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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY
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Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Implementation of Section 26 of the) PP Docket No. 93-21
Cable Television Consumer Protection)
and Competition Act of 1992)
)
Inquiry into Sports Programming)
Migration)

RESPONSE OF PACIFIC 10 CONFERENCE TO NOTICE OF INQUIRY

In the Notice of Inquiry released February 9, 1993 in this matter the Commission has asked for information and views as to "Sports Programming Migration". I am responding on behalf of the Pacific-10 Conference, an unincorporated association consisting of the University of Arizona, Arizona State University, University of California at Berkeley, University of California at Los Angeles, University of Oregon, Oregon State University, University of Southern California, Stanford University, University of Washington and Washington State University.

We are uncertain as to the focus and direction of this inquiry, and are not even clear as to what the alleged "migration" is. Somewhat more sports and entertainment programming has been appearing on cable television as systems expand their capacity. However our impression is that at least as to college basketball and football, the appearances of these

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sports activities on cable television have been added exposure for our institutions and have not subtracted from appearances on live over the air television.

The Pacific-10 Conference's purpose as set forth in its constitution is to establish and foster an athletic program to be participated in by the members of the Conference on the basis of mutual trust and confidence and based on high standards of scholarship and sportsmanship. The television of Pac-10 basketball and football games earns income for the benefit of the athletic and educational programs of its members and also furnishes valuable exposure for Pac-10 student athletes and educational institutions. Television of course is a highly competitive business and the Pac-10 has to struggle to gain exposure for its members.

Presently the Pac-10 (along with the Big Ten Conference) has an agreement with ABC to carry the home football games of Pac-10 and Big Ten institutions on the ABC network. The Pac-10 also has a contract with Prime Ticket for cablecast of additional Pac-10 football games and some other Pac-10 athletic events. These agreements afford ABC or Prime Ticket some exclusivity on a time period basis. ABC and Prime Ticket each require this. However in addition each Pac-10 institution grants rights for both live and delayed home area telecasts of their games where this does not conflict with the ABC or Prime Ticket time periods.

/ / /

The Pacific-10 Conference is one of some seven defendants named in a suit brought in federal court in Fresno, California by Pappas Telecasting, which owns and operates KMPH, a television station in Fresno. Pappas complains that KMPH supposedly was unable to do live telecasts of two Fresno State away games against Pac-10 opponents in 1991, at Washington State on September 14, 1991 and at Oregon State on September 21, 1991.

Since my firm and I represent the Pacific 10 Conference in this case, it would be inappropriate for me to comment in any detail about this suit, which the Pacific 10 Conference considers without merit. The suit appears to proceed from a misunderstanding between athletic department staff members as to whether the telecasts were to be on a delayed or a live basis. The Pac-10 members apparently thought the broadcasts were to be delayed; no rights fees were involved. When the Pac-10 parties realized that KMPH wished to do live broadcasts it was too late to attempt to shift the starting times of the games so as to avoid conflict with the Pacific 10 Conference contracts with ABC and Prime Ticket. KMPH did not choose to do delayed telecasts.

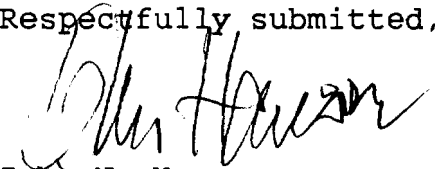
There was no lack of televised sporting events in Fresno on these two days, both live and delayed, over the air and cable. On September 14, 1991, there were three live over the air college football games on television plus football games on live and delayed cable, plus auto racing, boxing,

gymnastics, swimming, cycling and baseball. On September 21, 1991 there was virtually continuous live over the air college football television in Fresno from 10:30 a.m. until 8:00 p.m., plus games on cable and other sporting events.

Perhaps once it becomes clear what the nature of this inquiry will be, there might be other information we could furnish to the Commission. If you receive submissions by others that refer to the Pacific 10 Conference or its members we would like the opportunity to reply.

Dated: March 22, 1993

Respectfully submitted,



John N. Hauser
Attorney for Pacific 10 Conference